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**IN THE HIGH COURT OF DELHI AT NEW DELHI**

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**Date of Decision: 07.05.2026**

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**CONT.CAS(C) 1309/2023 & CM APPLs.56466/2024, 28347/2025,  
11469/2026**

RAM MEHAR

.....Petitioner

Through: Ms. Surabhi Chopra, Ms. Vibhuti  
Gupta, Advs.  
Ms. Sumita Hazarika, Mr. Prakhar  
Gupta, Advs.

versus

SUBHASISH PANDA

.....Respondent

Through: Mr. Arun Birbal, Adv. for DDA

**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (Oral)**

1. The present contempt petition was filed alleging contempt/ wilful disobedience of the judgment/ order dated 05.04.2023 passed by this Court in LPA No. 675/2022.
2. *Vide* order dated 24.01.2024, passed in these proceedings, it was noted that the DDA has challenged the aforesaid judgment/ order dated 05.04.2023 in the Supreme Court. It was also noticed that an interim order had been passed by the Supreme Court. Consequently, the contempt petition was disposed of.
3. Subsequently, the SLP in the Supreme Court was dismissed. Consequently, the CM APPL. 56466/2024 came to be filed for revival of the present petition. Concededly, the directions contained in the judgment/ order dated 05.04.2023 need to be complied with.
4. The only controversy is as regards the computation of the amount/



benefit due and payable to the petitioner. Learned counsel for the petitioner contends that the DDA is not computing the amount in consonance with the directions contained in the judgment/ order dated 05.04.2023, inasmuch as the benefit of Notional Promotion/ Increments/ ACP-MACP is not being extended to the petitioner. The operative directions of the Division Bench are as under:-

55. The Workman will be entitled for terminal dues by treating him in service till the age of superannuation. However, it is made clear that the Workman will not be entitled for back-wages and there will not be any recovery from the Workman in respect of the amount paid towards compliance of Section 17B of the I.D. Act. His services till the date of superannuation shall be taken into account only for the purpose of grant of terminal dues i.e. pension and other retiral dues.

56. The Respondent Employer shall after notional fixation of salary, shall grant all terminal dues to the Workman for which other regular employees are entitled, in accordance with law, within a period of 90 days from today.

5. It is thus evident that although back wages were denied to the petitioner, it was made clear that the workman was to be treated as being in service till the age of superannuation. It is also made clear that his services till the date of superannuation shall be taken into account only for the purpose of grant of terminal dues, i.e. pension and other retiral dues.

6. Paragraph-56 goes on to clarify that the terminal dues shall be given to the petitioner at par with other regular employees after notional fixation of salary. The observations/ directions therein leaves no manner of doubt that for the purpose of computing the terminal dues of the petitioner, the



petitioner cannot be treated differently from the other regular employees of the DDA. Consequently, the benefit of any Notional Promotion/ Increments/ ACP-MACP is required to be given to the petitioner. The exclusion of the same by the DDA for the purpose of computing the terminal benefits results in wilful disobedience of the aforesaid directions.

7. The legal position is well settled that in these proceedings, this Court has the power to issue necessary consequential benefits and/or require the respondent to purge their conduct. In this regard reference may be made to the following judgments:-

***T.N. Godavarman Thirumulpad (102) v. Ashok Khot***, (2006) 5 SCC 1

*“34. ....A purpose of the court's powers to make findings of contempt is to that ensure the orders of the court are obeyed. This jurisdiction is required to be coextensive with the court's jurisdiction to make orders which need the protection which the jurisdiction to make findings of contempt provides. ....”*

***Tirupathi Rao v. M. Lingamaiah***, (2024) 20 SCC 188

*“72. Insofar as an interim order is concerned, despite an element of contempt being involved, if a defence appearing to be valid in law and having substance is raised before the High Court by a party in default which shakes the very foundation of the order alleged to have been violated and upon the High Court reaching a satisfaction of such a defence being valid to the extent that the subject order ought not to have been passed, it would always be open to the said court, depending on the nature of order and the breach alleged, to first secure compliance of the order by allowing the contemnor to purge the contempt without prejudice to his rights and contentions and, after such compliance, to revisit the order as per law and the circumstances present before it and then pass appropriate orders. There could be exceptional situations where the consequences of complying with an interim order, apparently*



*erroneous or without jurisdiction and which has attained finality, could bring about irretrievable consequences. In such a case, where the High Court is satisfied that securing compliance of its order would cause more injustice than justice, notwithstanding the finality attached to such order, the High Court's authority ought to be conceded to pass such order as the justice of the case before it demands.”*

8. In the circumstances, respondent-DDA is directed to compute the terminal benefits of the petitioner in the aforesaid manner, at par with other regular employees, by giving the benefit of Notional Promotion/ Increments/ ACP-MACP.
9. Let the necessary computation be done expeditiously and the amount be disbursed to the petitioner within a period of eight weeks from today. In case the same is not done, the respondent shall become liable to face appropriate action for committing wilful disobedience of the orders passed by this Court.
10. The petition is disposed of in the above terms.
11. Let a compliance affidavit be filed by the respondent before the next date of hearing.
12. List for reporting compliance on 15.09.2026.

**SACHIN DATTA, J**

**MAY 7, 2026/uk**